

**THE HONOURABLE SRI JUSTICE
V.ESWARAIAH**

W.P. No. 21210 of 2007

Date:22-10-2007

Between:

Padakala Rama Rao and three others

...Petitioners

AND

The Joint Collector, Krishna and four others

Respondents

—

—

—

-

ORDER:

The petitioners seek a writ of mandamus to declare the orders, dated 16.06.2007 passed by the first respondent in R.Dis.No.5437/2006(D2) and the orders, dated 30.03.2006 passed by the second respondent in R.O.R. Appeal No.7/2005, as illegal and arbitrary and consequently to direct the respondents 1 to 3 to issue pattadar pass books/title deeds in favour of the petitioners in respect of the appeal schedule properties.

It is the case of the petitioners that as against the orders passed by the Mandal Revenue Officer, Bapulapadu granting pattadar pass books in favour of the petitioners, on an appeal filed by the respondents 4 and 5, the Revenue Divisional Officer, Nuzvid in R.O.R.Appeal No.7 of 2007, by order dated 30.03.2006 cancelled the pattadar pass books issued in favour of the petitioners and directed the Mandal Revenue Officer to conduct *de novo* enquiry after finalizing the court proceedings. As against the said orders, the petitioners, filed a revision before the Joint Collector and the Joint Collector by order, dated 16.06.2007 dismissed the revision.

The learned counsel appearing for the petitioners submits that when the civil suits are pending, the Revenue Divisional Officer ought not to have allowed the appeal canceling the pattadar pass books issued in favour of the petitioners.

The perusal of the appellate order as well as the revisional order goes to show that in view of the civil disputes pending with regard to the said property, the Revenue Divisional Officer rightly held that the matter requires to be enquired *de novo* after finalisation of the

court proceedings and therefore, no prejudice will be caused to the petitioners by the aforesaid orders. If the petitioners succeed in the civil proceedings establishing their right, title and claim over the said property, as per the aforesaid appellate orders, the Mandal Revenue Officer has to conduct fresh enquiry and pass appropriate proceedings under A.P. Record of Rights Act. In view of the aforesaid findings, I do not see any infirmity in the impugned orders and therefore, the writ petition is liable to be dismissed.

Accordingly, the writ petition is dismissed with liberty to the petitioners to put-forth their claim afresh depending upon the outcome of the civil court proceedings. There shall be no order as to costs.

V.ESWARAIAH, J.

Date:22.10.2007

ccm